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Dear Officials:

**Re: Considerations for development of the national strategy on environmental racism and environmental justice**

The Canadian Association of Physicians for the Environment, the Canadian Environmental Law Association, the David Suzuki Foundation, Ecojustice, Environmental Defence and West Coast Environmental Law Association jointly submit these comments in response to the engagement documents posted September 29, 2025, on the [Advancing Environmental Justice](#) website.

Our organizations advocated for passage of the *National Strategy Respecting Environmental Racism and Environmental Justice Act* (Bill C-226), and joined the Canadian Coalition for Environmental and Climate Justice in [celebrating its royal assent](#) in June 2024. The Act requires the Minister of Environment, Climate Change and Nature to develop a strategy to assess, prevent and address environmental racism and to advance environmental justice (referred to in this submission as “the strategy”) within two years of the day on which the Act enters into force. It sets out criteria for the strategy and requires the Minister to report to Parliament on its implementation.

We appreciate the opportunity to provide early input on the development of Canada’s first environmental justice strategy. We look forward to reviewing and providing feedback on the draft strategy in the consultation phase as well. Our organizations endorse the “Joint statement on the development of a national strategy respecting environmental racism and environmental justice” (attached). This supplementary submission provides further detail with respect to the following matters:

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## Environmental justice is a transformational strategy in Canada’s national interest

Environmental racism and injustice are real and systemic issues across Canada. Environmental racism and injustice can happen wherever people live, work and play. A 2020 report by the UN special rapporteur on toxic wastes and human rights pointed to “a pattern in Canada where disadvantaged and under resourced groups, and Indigenous peoples in particular, find themselves on the wrong side of a toxic divide, subject to conditions that would not be acceptable elsewhere in Canada.”<sup>1</sup> Racialized and Indigenous communities are frequently on the front lines of climate change and environmental degradation and are more exposed to pollution than predominantly white communities. People in racialized and Indigenous communities can also face higher risks of exposure to environmental harms due to factors including their gender, sexual

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<sup>1</sup> Visit to Canada. Report of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes. November 27, 2020. <https://docs.un.org/en/A/HRC/45/12/Add.1>

orientation, income, geographic location including rural and remote areas, immigration status and disability.

An equity lens on federal environmental policy and decision-making has too often been absent. However, there have been important positive developments in recent years, including:

- Canada’s support for UN Resolution [A/Res/73/300](#) in 2022, recognizing the human right to a clean, healthy and sustainable development;
- Amendments to the *Canadian Environmental Protection Act* passed in 2023, recognizing the right to a healthy environment and explicitly mandating consideration of effects on “vulnerable populations” in risk assessments;
- Incorporation of “equity, climate and environmental justice” as guiding principles in the 2023 National Adaptation Strategy;
- In 2019, the introduction of Gender-based analysis plus (GBA+) which requires the consideration of the “intersection of sex and gender with other identity factors” in impact assessment and energy project reviews under the *Impact Assessment Act* and *Canadian Energy Regulator Act*;
- And in 2024, the passage of Bill C-226 *The National Strategy Respecting Environmental Racism and Environmental Justice Act*.

The implementation of these new mandates is nascent (at best) and risks being undermined if environmental equity considerations are not prioritized in government decision-making, or simply as a result of inadequate resources. Therefore it is critical that the national strategy not only document the extent of environmental racism and environmental injustice in Canada, but also affirm Canada’s commitment to advancing environmental justice and identify mechanisms to ensure this goal is prioritized across government. The strategy can help clarify and address capacity gaps faced by communities, Indigenous nations and governments.

The strategy is particularly important given the federal government’s intention to expedite approvals of major projects on timelines that could make it difficult if not impossible to fully understand how projects will affect groups, and the prospect of increasing fossil fuel extraction and infrastructure. In Canada and globally, the links between fossil fuels and environmental injustice are well-documented. Indigenous and racialized communities are disproportionately harmed by climate change (of which fossil fuel combustion is a leading cause) and in particular upstream oil and gas pollution. Moreover, the *Building Canada Act* (Bill C-5) and the Canada-Alberta Memorandum of Understanding set the stage for

exempting major projects from federal environmental laws and regulations with no explicit requirements to prevent discriminatory outcomes.

In a context where long-term, comprehensive, cumulative impacts are difficult to assess and regulate across jurisdictional boundaries, an environmental justice strategy can support evidence-based approaches to guide federal action. If adequately resourced and implemented well, it can support transparent and accessible decision-making for communities facing environmental threats and injustices, strengthen coordination across jurisdictions and reduce long-term legal and environmental risks by supporting well-informed policy planning rather than reactive responses to harms.

## Scope of the Strategy

We agree with the description of environmental racism set out in the introduction to the “Foundation 2” engagement document: “Environmental racism occurs when environmental decision-making, policies, and practices disproportionately harm certain communities based on race.” This strategy must seek to empower communities impacted by environmental racism and injustice and guide decision-makers to ensure impacted communities are full participants in decisions made in or about their territories or neighbourhoods.

The preamble to the *National Environmental Racism and Environmental Justice Strategy Act* recognizes that “the establishing of environmentally hazardous sites, including landfills and polluting industries, in areas inhabited primarily by members of those communities could be considered a form of racial discrimination.” The strategy must include, but not be limited to, measures to assess, prevent and address environmental racism associated with environmentally hazardous sites. Polluting industries and landfills are just two of the countless and complex ways that racialized and Indigenous communities are further disadvantaged and under resourced by environmental injustice. A credible strategy must be more comprehensive and address laws, decision-making, policies and practices that are not limited to those that apply to landfills and polluting industries.<sup>2</sup>

The [Belem Declaration on Fighting Environmental Racism](#), launched at the COP30 climate summit, recognizes “that historic and ongoing patterns of discrimination, unequal access to domestic and global decision-making, and legacies of colonialism contribute to

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<sup>2</sup> We recognize that the federal government and provinces/territories share jurisdiction for environmental protection.

differential exposure to pollution, climate hazards and nature loss, and to unequal access to technology and services.” Canada should endorse the Belem Declaration and align the strategy with its call to action.

## Guiding principles

We recommend that the strategy set out guiding principles to inform implementation. Guiding principles will also help position the strategy to adapt and evolve over time to address new developments. We direct your attention to the following principles, for consideration:

- The precautionary principle, according to which early intervention to prevent potentially serious or irreversible harm is warranted even in the absence of full scientific certainty.
- The 17 [Principles of Environmental Justice](#).

In addition, the federal government needs to work with Indigenous peoples to develop principles for the strategy respecting environmental justice and Indigenous communities. These principles should center Indigenous laws and legal principles and in the process also consider principles embedded in related Government of Canada policy or legislation, such as the 10 [principles respecting the Government of Canada's relationship with Indigenous Peoples](#), and the [First Nations' OCAP principles](#) (Ownership, Control, Access, Possession). These principles provide clear standards for how information is collected, governed, shared and applied, and they ensure that environmental decisions align with Indigenous rights, jurisdiction and community wellbeing. They will help centre Indigenous legal orders and ways of being and knowing as foundational decision-making frameworks rather than supplementary perspectives in the strategy's implementation.

Likewise, the strategy should connect with the [Canadian Environmental Protection Act, 1999 guiding principles](#), including the other principles added in 2023 in relation to the right to a healthy environment (intergenerational equity and non-regression).

## Data collection and mapping

Population exposure data in Canada is not typically disaggregated by race or income level, and Canadian environmental indicators rarely incorporate an equity lens. Addressing this data gap will be essential to identify priorities, and also to track progress and evaluate the effectiveness of the strategy. Section 3(3)(a) of the *National Environmental Racism and Environmental Justice Strategy Act* (the “Act”) requires the minister to undertake a study, that includes:

- (i) an examination of the link between race, socio-economic status and environmental risk, and
- (ii) information and statistics relating to the location of environmental hazards;

As well, s. 3(3)(b)(iv) of the Act proposes that the strategy may include “the collection of information and statistics relating to health outcomes in communities located in proximity to environmental hazards.”

As a starting point, we recommend updating the Canadian environmental sustainability indicators, Statistics Canada’s Census of Environment, the environment domain indicators in Canada’s Quality of Life Framework and other related metrics to incorporate an equity lens. Publicly accessible, geospatial information can help decision-makers take environmental justice considerations into account—not only government, but also private actors and communities. The mapping tool “[EJScreen](#)” developed and formerly hosted by the U.S. EPA offers a model on which to build.

Lack of data – “data deserts” – must be seen as a signal of potential environmental injustice and a reason to engage with communities, not as a barrier to action. Qualitative approaches, including deep listening in communities, must be prioritized in the absence of quantitative data.

## Deliver on existing mandates to advance environmental justice

As a place to start, ECCC must work to integrate an equity lens in all departmental policies, programs and initiatives. The strategy must also direct a high level of ambition for implementation of existing mandates that support environmental justice. This means, for example, adopting a holistic review of Crown projects with a focus on assessing cumulative effects and impacts on communities, taking other activities and projects affecting the community into account.

The federal government has many tools to address environmental racism, which include but are not limited to ECCC minister’s responsibilities for implementation and enforcement of:

- Chemical substances management
- Pollution and waste management
- Environmental Damages Fund
- National Pollutant Release Inventory
- Contaminated sites

- The right to a healthy environment and the *Canadian Environmental Protection Act* as a whole
- *Fisheries Act*
- *The Impact Assessment Act*
- *UN Declaration on the Rights of Indigenous Peoples Act*

There is also a need to identify gaps and address them in these areas of work.

## Review and align federal laws

We recommend that the strategy direct a review of existing federal laws to identify amendments necessary to prevent environmental racism and environmental injustice. A similar process was undertaken pursuant to the *United Nations Declaration on the Rights of Indigenous Peoples Act*. It will be important to facilitate the inclusion of knowledge from affected communities in this review.

We draw your attention to long-standing recommendations of the Canadian Environmental Law Association and Ecojustice, supported by our organizations, to amend the *Environmental Protection Action* provisions of CEPA to expand their scope and remove barriers.

As well, amendments to the “equivalency” provisions of CEPA proposed in Bill C-15, An Act to implement certain provisions of the budget tabled in Parliament on November 4, 2025, should be refined to ensure that the protection of the right to a healthy environment and the duty to uphold the principle of environmental justice under CEPA are taken into account when assessing equivalency of provisions in force under provincial or territorial laws. Similarly, regulations made under the *Free Trade and Labour Mobility in Canada Act* must ensure that federal standards that prevent environmental racism and advance environmental justice are maintained.<sup>3</sup>

## Remove barriers that prevent impacted communities from accessing government programs

The impacts of environmental racism can be compounded by a lack of capacity at the community level to navigate solutions. Complex bureaucratic processes and lengthy

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<sup>3</sup> More broadly, we are in strong agreement with the government’s proposal to exclude requirements that work to prevent risks to the health, safety or security of Canadians or the environment in regulations made under this *Act*. Application of the act must not undermine the protection of the health, safety and security of Canadians, their social and economic wellbeing and the environment. See also the David Suzuki Foundation and Ecojustice submission on the August 2, 2025, Notice of Intent.

documentation can discourage participation and make it difficult for impacted communities to access resources and technical support. There have been noted complexity and multiple levels of government that communities must navigate when working to address instances of environmental racism or injustice, including where transnational pollution may be a concern.<sup>4</sup>

Looking through an environmental equity lens, there needs to be a review of existing federal programs to determine which improvements could be made to break down barriers to assessing, addressing, and preventing environmental racism and injustice. This strategy should also seek to support building capacity directly in impacted communities, including by providing the necessary financial support to build that capacity.

### Measures to support a whole-of-government approach

To bolster the strategy, we recommend updating — and systematically applying — the Cabinet Directive on Strategic Environmental and Economic Assessment to require analysis and consideration of effects on environmental equity in government decision-making. The absence of an environmental justice lens in the SEEA Directive — apart from impacts to Indigenous Peoples, their lands and traditional territories — is a critical oversight. Explicitly integrating equity considerations in SEEA would build on the Government of Canada’s gender-based analysis plus approach, and reinforce it in the context of understanding who is impacted by climate change, biodiversity loss and other environmental effects of key government decisions.

The [Green Budget Coalition](#) has long recommended establishment of a high-level Office of Environmental Justice to elevate the profile of this mandate as a Government of Canada priority. We echo this recommendation of the Green Budget Coalition in this submission.

### ECCC’s environmental enforcement program

Uneven enforcement of environmental protection laws contributes to environmental racism and environmental injustice. Holding polluters accountable for violations that disproportionately impact Indigenous, racialized and low-income communities is an environmental justice priority. However, these communities face multiple barriers in accessing justice. The strategy should support a focus on investigations, compliance activities and enforcement action in relation to violations with environmental justice impacts, as well as outreach to communities facing environmental justice concerns.

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<sup>4</sup><https://www.canada.ca/en/environment-climate-change/services/strategic-policy-branch/environmental-justice/pi-symposium.html>

As mentioned above, legislative amendments to make the “citizen enforcement” provisions of CEPA more accessible and responsive could empower communities to directly address violations of CEPA requirements through Environmental Protection Actions.

The strategy should also seek to address how the federal government responds to reporting of incidents on environmental injustice. The strategy should investigate avenues for communities to contact the federal government, such as an ombudsperson to advocate for environmental justice within federal ministries.

## Resource considerations

The strategy needs to be accompanied by the funding required to implement it well. As recommended by the Green Budget Coalition, this includes budgetary commitments to ensure permanent Government of Canada capacity to deliver the strategy (including additional resources for ECCC’s enforcement branch), as well as support for research and community engagement.

In the context of departmental expenditure reductions announced in Budget 2025, developing and implementing the strategy must be recognized and sustained as a core mandate initiative.

As well, the strategy should consider reforms to the Environmental Damages Fund so that fines collected for environmental violations benefit the affected communities. For example, this could involve a mechanism for redressing harms, funding community environmental priorities or building capacity for environmental protection and to participate in environmental decision-making.

Investing in the implementation of the strategy is not only a moral imperative, but also an investment that will reduce future costs by mitigating harm to human health, health care systems and the environment, as well as long-term legal, corporate and environmental risks and costs. Supporting well-informed policy planning is more cost-effective than reactive responses to harms.

## Ongoing engagement

The strategy needs to include mechanisms to support ongoing engagement with the public and impacted communities. ECCC could consider, among other options, establishing a permanent advisory committee on assessing and preventing environmental racism and

advancing environmental justice. Engagement needs to continue after the development of the strategy to ensure that impacted communities are guiding the:

- Implementation of the strategy;
- Indicators being used to evaluate results;
- Assessment of data tools for usability;
- Addressing data gaps useful for communities;
- Reports to Parliament;
- Ongoing work to apply an equity lens to government laws, policies and programs.

Engagement must be meaningful and centre impacted communities, which requires resources and a commitment to accountability.

Thank you for considering our submissions in the development of the National Strategy Respecting Environmental Racism and Environmental Justice. We look forward to continuing to engage through the process of finalizing and implementing the strategy, which we see as critical in assessing, preventing and addressing environmental racism and injustice in Canada.

Sincerely,

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Annex

December 12, 2025

**Joint statement on the development of a national strategy respecting environmental racism and environmental justice**

The undersigned community organizations and allies express our support for the important work Environment and Climate Change Canada is undertaking to develop Canada's first national strategy to assess, prevent and address environmental racism and to advance environmental justice.

*The National Strategy Respecting Environmental Racism and Environmental Justice Act*, passed in 2024, mandates the minister to examine the links between racialization, socio-economic status and environmental risk, and to develop a national strategy setting out measures that can be taken to advance environmental justice and to assess, prevent and address environmental racism. The new law and strategy were met with much excitement by the public, hopeful that the opportunity to address environmental racism would finally become reality in Canada.

A credible strategy will:

- Address past, present and future cases of environmental racism;
- Centre impacted communities and commit to meaningful engagement and consultation;
- Introduce an environmental equity lens for decision-making across all government departments, including the new Major Projects Office;
- Incorporate data gathering and mapping, including consideration of ecological, social and cultural determinants of population health, not only health indicators;
- Reinforce related programs, policies and legislative mandates, including UNDRIPA and the right to a healthy environment under the *Canadian Environmental Protection Act*;
- Include a mechanism for co-ordinating with other levels of government, and seek to catalyze broader action;
- Be backed by adequate resources and capacity for implementation.

A 2020 report by the UN Special Rapporteur on Toxic Wastes and Human Rights pointed to “a pattern in Canada where disadvantaged and under resourced groups, and Indigenous peoples in particular, find themselves on the wrong side of a toxic divide, subject to conditions that would not be acceptable elsewhere in Canada.” Racialized and Indigenous communities are frequently on the front lines of climate change and environmental

degradation, and more exposed to pollution. People in racialized and Indigenous communities can also face higher risks due to factors including their gender, sexual orientation, income, geographic location including rural and remote areas, immigration status and disability. Yet population exposure data in Canada is not typically disaggregated by race or income level, masking the problem. An equity lens on environmental policy and decision-making has too often been absent.

This new work is more important than ever, as the government pursues major projects on fast timelines and with reduced regulatory oversight. Exacerbating environmental racism and injustice is not in the national interest. Advancing environmental justice is a nation-building strategy.